

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statement (IDS) by return of the Form PTO-1449, and for the allowance of claims 1-21 in the present application.

Upon entry of the present amendment, the specification and claim 22 will have been amended, and Fig. 11 will have been added, with claims 1-22 pending in the present application and with claims 1-21 standing allowed.

The Examiner has objected to the specification, identifying two errors in the reference characters. By the present amendment and in compliance with the Examiner's requirement, paragraphs [0031] and [0035] have been amended to list the appropriate reference characters. It is thus respectfully requested that the Examiner withdraw this objection.

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a), requiring that the "carrier clip" of claims 8, 10, 18 and 20 must be shown. Applicant disagrees with the Examiner's objection in this regard, since original Figures 1-10 are schematic representations and as such are to be considered representative of alternative, non-limiting embodiments as described in the specification in, *inter alia*, paragraph [0035]. However, solely to expedite the patent examination process, Applicant has elected to provide a new Fig. 11, which shows a schematic partial view of a window with the carrier in locked position, with the carrier and sash clip disengaged from each other, and with the window sash moved laterally toward one jamb. In this new figure, a schematic representation of a non-limiting embodiment of a clip is shown as reference character 164. This clip

P23432.A02

is described, *inter alia*, in Paragraphs [0014] and [0021] and in Paragraph [0035], line 17. Further, the specification has been amended to identify this new Fig. 11. No new matter has been added. It is thus respectfully requested that the Examiner withdraw this objection.

The Examiner has rejected claim 22 under 35 U.S.C. § 112, second paragraph, as being indefinite, finding that “the plurality of tracks” lack antecedent basis, and that the claimed “unlocking the carrier” is indefinite since locked position of the carrier was not set forth. Without agreeing to the propriety of the Examiner’s rejection, Applicant has amended “plurality” to ---pair--- to address this clerical error. Further, although Applicant respectfully disagrees with the Examiner’s rejection under 35 U.S.C. § 112, second paragraph, in that one skilled in the art would readily understand that to unlock the carrier it would have to first be in a locked position, without agreeing to the propriety of this rejection, Applicant has amended claim 22 to recite “locking the carrier against movement in the axial direction toward the upper and lower extremities, by engaging a carrier lock with a jamb lock,” solely to expedite the patent application process. It is thus respectfully requested that the Examiner withdraw the rejection of claim 22 under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claim 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,892,494 to MALEK, finding that this reference teaches all limitations of this claim. Applicant respectfully traverses the Examiner’s rejection, and note that the applied MALEK reference fails to teach or suggest at least the claimed locking the carrier against movement in the axial direction toward the upper and lower extremities, by engaging a carrier lock with a jamb lock. To the contrary, Applicant notes that the shoe 34 is only prevented from movement toward the lower

P23432.A02

extremity of movement. Applicant further notes that in the Statement of Reasons for Allowance, the Examiner indicated that the prior art fails to teach or suggest that locking “the carrier in place along the jamb such that the carrier cannot move toward either an upper or lower extremity of the jamb.” It is thus respectfully submitted that for at least this reason claim 22 is allowable over the art of record.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claim 22, this claim is not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under at least 35 U.S.C. §§ 102 and 112, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Statement of Reasons for Allowance mailed by the Patent and Trademark Office on August 18, 2005, along with the above-noted Office Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

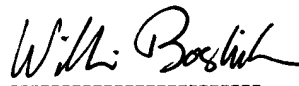
Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to claim 22 and as noted *supra*, Applicant respectfully disagrees with the Examiner's rejection under 35 U.S.C. § 112, and emphasizes that this claim has been amended merely to address the typographical and grammatical errors therein, and to also more properly place this claim in closer conformance to U.S. patent practice. Nonetheless, Applicant has elected to amend this claim solely for the purpose of expediting the patent application process. Thus, the amendment to claim 22 has not been made for a purpose related to patentability, but rather is a clarifying amendment that is cosmetic in nature that is not intended to narrow the scope of the claims. Accordingly, this amendment should not be considered a decision by Applicant to narrow the claims in any way.

P23432.A02.DOC

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Flavio QUESADA

A handwritten signature in black ink, appearing to read "Will. Boshnick", written over a horizontal dashed line.

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DRAWING AMENDMENTS

The attached sheet of drawings includes new Fig. 11, which shows a schematic partial view of a window with the carrier in locked position, with the carrier and sash clip disengaged from each other, and with the window sash moved laterally toward one jamb, according to another embodiment of the present invention. In this new figure, a schematic representation of a clip is shown as reference character 164. This clip is described, *inter alia*, in Paragraphs [0014] and [0021] and in Paragraph [0035], line 17 of the specification. No new matter has been added.

Attachment: New Drawing Sheet